HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

Writ Petition No. 4340 of 1992

Between:

A. Rosireddy and others … Petitioners

And

The Revenue Divisional Officer-

Cum-Land Acquisition Officer, Kurnool

… Respondent

:: ORDER::

Counsel for Petitioners: Sri M.Radha Krishna for

Sri K.V.Satyanarayana

Counsel for the Respondents: Government Pleader for Revenue

March 29, 2006

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This petition is directed against order dated January 25, 1992 vide which the Revenue Divisional Officer-cum-Land Acquisition Officer, Kurnool (respondent) rejected the applications filed by the petitioners under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act') for re-determination of the compensation on the ground that compensation awarded to other similar landowners has been enhanced by the reference Court.

Since there is no dispute on the factual matrix of the case, I do not consider it necessary to detail the facts. Suffice it to say that various parcels of land were acquired for formation of a reservoir across Kakileru. Notification under Section 4 (1) of the Act was issued on 5-1-1977. The Land Acquisition Officer awarded compensation at the rate of Rs.2,500/- per acre. Dissatisfied with the amount of compensation, one Smt B.Bhagyamma, whose land was also acquired under the same notification, filed an application under Section 18 of the Act. Her application was allowed and a reference was made under Section 18 of the Act. By an award dated 17-11-1989, Additional Subordinate Judge, Kurnool, enhanced the compensation payable to SmtM.Bhagyamma from Rs.2,500/- per acre to Rs.16,000/- per acre. On coming to know about the award of enhanced compensation to Smt M.Bhagyamma, the petitioners filed application under Section 28-A of the Act for payment of enhanced compensation. The same was rejected by the respondent vide his order dated 25-1-1992. The respondent held that the application was barred by

limitation. In his opinion, the period of limitation commenced from the date of award of the reference Court and not from the date of knowledge.

Learned counsel for the petitioners fairly says that the issue raised in the writ petition is liable to be answered against his client, in view of the judgment of the Supreme Court in **State of Andhra Pradesh v. Marri Venkaiah and others**.

In the judgment referred to by the learned counsel, a two Judges Bench of the Supreme Court interpreted Section 28-A of the Act and held:

> "Plain language of the aforesaid Section would only mean that the period of limitation is three months from the date of the Award of the Court. It is also provided that in computing the period of three months, the day on which the award was pronounced and the time requisite for obtaining the copy of the award is to be excluded. Therefore, the aforesaid provision crystallizes that application under Section 28A is to be filed within three months from the date of the award by the Court by only excluding the time requisite for obtaining copy. Hence, it is difficult to infer further exclusion of time on the ground of acquisition of knowledge by the applicant."

By applying the ratio of the aforementioned judgment, I hold that the order under challenge does not suffer from any legal infirmity. Consequently, the writ petition is dismissed.

G.S. SINGHVI, CJ

March 29, 2006

GRR/vtv